

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 37435

STATE OF IDAHO,)	2010 Unpublished Opinion No. 691
)	
Plaintiff-Respondent,)	Filed: November 1, 2010
)	
v.)	Stephen W. Kenyon, Clerk
)	
DONALD MARTY LARISON,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Gooding County. Hon. John K. Butler, District Judge.

Order denying I.C.R. 35 motion for reduction of sentence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Spencer J. Hahn, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge; GRATTON, Judge;
and MELANSON, Judge

PER CURIAM

Donald Marty Larison pled guilty to lewd conduct with a minor under sixteen. I.C. § 18-1508. The district court sentenced Larison to a unified term of life imprisonment, with a minimum period of confinement of five years. However, the district court retained jurisdiction and thereafter placed Larison on probation. Larison admitted to violating the terms of his probation, and the district court revoked probation, and ordered execution of Larison's sentence, but retained jurisdiction a second time. Following Larison's second period of retained jurisdiction, the district court relinquished jurisdiction. Larison filed an I.C.R. 35 motion for reduction of his sentence, which the district court denied. Larison appeals.

A motion for reduction of sentence under I.C.R. 35 is essentially a plea for leniency, addressed to the sound discretion of the court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of new or additional information subsequently provided to the district court in support of the motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007). Upon review of the record, including the new information submitted with Larison's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Larison's Rule 35 motion is affirmed.